

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

\_\_\_\_\_  
IN RE TRICOR DIRECT PURCHASER  
ANTITRUST LITIGATION

)  
)  
) C.A. No. 05-340 (SLR)  
) (Consolidated)  
)

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THIS DOCUMENT RELATES TO:

\_\_\_\_\_  
ALL ACTIONS

\_\_\_\_\_  
IN RE TRICOR INDIRECT PURCHASER  
ANTITRUST LITIGATION

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**REDACTED / PUBLIC VERSION**

**DECLARATION OF DAVID S. NALVEN**

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**ADDITIONAL COUNSEL ON SIGNATURE PAGE**

Date: June 9, 2008

1 CONTAINS HIGHLY CONFIDENTIAL INFORMATION: SUBJECT TO PROTECTIVE ORDER

2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF DELAWARE

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17 **DECLARATION OF DAVID S. NALVEN**

18 David S. Nalven, being sworn, states under pains and penalties of perjury based  
19 on personal knowledge as follows:

20 1. I am a member of Hagens Berman Sobol Shapiro LLP and have been  
21 admitted *pro hac vice* to this Court. I am one of Interim Co-Lead Counsel for End-Payor  
22 Class Plaintiffs. In that capacity, my firm and others retained Stanley A. Kaplan, Ph. D.  
23 to serve as an expert on certain patent matters in the above-captioned action.

24 2. On December 15, 2006, Dr. Kaplan submitted an expert report in this case  
25 entitled "Expert Report of Stanley A. Kaplan, Ph. D." Dr. Kaplan's Expert Report is  
26  
27  
28

1 attached as Exhibit A to this Declaration. In addition to setting forth his expert opinion,  
2 Dr. Kaplan's Expert Report also contains his curriculum vitae.

3 3. On August 10, 2007, Dr. Kaplan submitted another expert report in this  
4 case entitled "Reply Expert Report of Stanley A. Kaplan, Ph. D." Dr. Kaplan's Reply  
5 Expert Report is attached as Exhibit B to this Declaration.

6 4. Dr. Kaplan is currently traveling in China and unavailable to submit a  
7 declaration presenting his reports to the Court, but if called upon will be able to do so  
8 upon his return to the United States.  
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10  
11 Dated: June 2, 2008



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David S. Nalven

**EXHIBITS A-B**

**REDACTED**